

REMARKS

In the final Office action dated December 1, 2004, claims 1-3, 5-9, 12-15, 17, 18, 20 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Drasler et al. (6,245,101). Additionally, claims 10, 19 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drasler et al. in view of Taheri (5,617,878). In rejecting the claims under § 102(e), the Examiner stated that Drasler et al. "meets all structural limitations as recited in the claims because [it teaches] at least a pair of adjacent longitudinal members 10 each has a circumferential width 105 less than the radial thickness 115 (FIG. 5)."

Significantly, at Col. 13, lns. 37-39, the Drasler patent describes the disclosed stent as being "made up entirely of nodes 15 and struts 10 extending throughout the stent section. Each node 15 of the hinge stent 5 includes at least one hinge 23." Further, at Col. 15, lns. 52-62, Drasler states "In this embodiment (FIG. 5) four struts 10 are connected to a node which includes a hub 100, four hinges 23, and four transition regions 25. The hub 100 forms a region of the node that does not provide significant deformation during an expansion deformation from a non-deployed state to a deployed state or during a crush deformation as shown in FIG. 3. Each of the four hinges 23 is contiguously joined on one end to the hub 100. Each hinge has hinged dimensions which include a hinge width 105, a hinge length 110, a hinge radial dimension 115, and a hinge cross-sectional area 120."

Accordingly, the Drasler et al. patent describes strut 10 as structure separate from a node 15. Moreover, it is the node 15 of Drasler et al. that includes a hinge 23. Therefore, contrary to the Examiner's position, it is the hinge 23 and not the strut 10 that includes width 105 and radial dimension 115. Accordingly, the Drasler et al. patent does not anticipate the subject matter recited in independent claim 1 and its depending claims as it lacks the teaching of "at least a pair of adjacent generally longitudinal members each having a circumferential width, wherein the

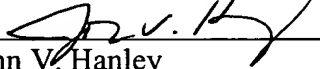
radial thickness is greater than the circumferential width." Clearly, the Drasler hinge 23 does not qualify as the recited generally longitudinal members. Therefore, it is respectfully submitted that each of examined claims 1-3, 5-10, 12-15, 17, 20, 22 and 23 define patentable subject matter.

CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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